



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2457 FAX (603) 271-7894



Jack Tyrrell
Mittersill Alpine Inn
193 Mittersill Road
Franconia, New Hampshire 03580

LETTER OF DEFICIENCY

WMB PBF 02-08

February 25, 2002

Dear Mr. Tyrrell

The Department of Environmental Services, Water Division ("DES") is required by RSA 485-A:26 to operate a program to ensure the health and safety of the public when using public bathing facilities such as pools and spas. To implement this program, DES has adopted administrative rules Env-Ws 1101-1105 to specify the design, operation, and maintenance requirements for public bathing facilities. DES reviews applications for new public bathing facilities and also inspects and tests the water in existing public bathing facilities to ensure that applicable requirements are being met.

On February 20, 2002, DES inspected the following public bathing facilities at the Mittersill Alpine Inn in Franconia, NH: the indoor pool ("Indoor Pool") and gunite spa ("Gunite Spa") and the new spa ("New Spa"). During this inspection the following deficiencies were noted:

A recommendation to drain and disinfect the New Spa was issued on February 21, 2002. The inspection on February 20, 2002 revealed that the New Spa was in violation of Env-Ws 1103.14 and unsafe for public use. The following bacterial violations were observed in the New Spa water:

- (a) Pursuant to Env-Ws 1103.14(a)(1) the maximum allowable concentration of total coliform bacteria and *Escherichia coli* in public bathing facility water is zero counts per one hundred milliliters (0CTS/100mL). The New Spa water contained 5 CTS/100mL of total coliform bacteria.
 - (b) The maximum allowable concentration of non-coliform bacteria in public bathing facility water is two hundred counts per one hundred milliliters (200 CTS/100mL). The New Spa water contained greater than 200 CTS/100mL.
2. Env-Ws 1103.16(e) requires a free residual chlorine concentration between 2.0 mg/L and 5.0 mg/L in public spa water, with an absolute maximum of 10 mg/L chlorine. The chlorine concentration of the New Spa water was 0.2 mg/L on February 20, 2002. The chlorine concentration of the Gunite Spa water was 0.4 mg/L on February 20, 2002.
 3. Env-Ws 1103.16(f) requires a pH between 7.0 and 7.8 in public spa water. The pH of the Gunite Spa water was 6.3 on February 20, 2002.
 4. Env-Ws 1104.03(e)(1) states that the depth of water in feet shall be plainly and conspicuously marked at or above the water line on the vertical pool wall and on the top of the coping or edge of the deck or walk next to the pool. The depth of the Indoor Pool was not plainly and conspicuously marked on the pool deck of the Indoor Pool.

A report outlining how compliance will be achieved with the cited deficiencies should be submitted to DES within 30 calendar days from receipt of this letter. The report should include the following:

- A copy of two weeks of water quality test results for all facilities (please do not send originals).
- 2. A timetable of when the depth will be marked.

DES personnel will conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with RSA 485-A:26 and Env-Ws 1101-1105. After a violation of Env-Ws 1103.14, the facility will be required to pass two inspection in the following months. In the event that compliance is not achieved, DES may take further action, including seeking an administrative fine up to \$2,000 for each offense or referring the case to the NH Attorney General's Office for judicial action.

We appreciate your cooperation in this matter. Please contact Amy Wilson at (603) 271-7108 if you have any questions regarding this letter. Copies of Env-Ws 1101-1105 are available through the DES Public Information Center at (603) 271-2975 or via the Internet at <http://www.des.state.nh.us/pools/env1100.pdf>.

Sincerely,

Amy Wilson
COPY for

Jody Connor
Limnology Center Director

cc: Gretchen C. Rule, Enforcement Coordinator, DES ✓
Russell A. Nylander, P.E., Chief Engineer, WD/DES
Amy Wilson, Public Bathing Facility Coordinator, DES
Phillip A. Payette, Health Officer, Town of Franconia